

UNITED STATES OF AMERICA
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	CR No.: 04-10098-WGY
)	
)	
)	
v.)	
)	
)	
)	
CARMEN FIGUEROA,)	
Defendant)	

AFFIDAVIT OF COUNSEL RE: PRISON CALLS

I, John H. LaChance, Esq., depose and say as follows:

1. I am the court appointed attorney for Carmen Figueroa in the above-captioned indictment.
2. On March 16, 2005 I spoke with Mr. Pine at the Plymouth County Correctional Facility whom I was directed to as in charged of the inmate telephone system.
3. Mr. Pine informed me that Plymouth County Correctional Facility (PCCF) has not adopted the Department of Corrections regulations as to telephone access and use 103 CMR 482. Instead they have adopted their own policies and procedures.
4. Mr. Pine stated that the PCCF telephone equipment for monitoring and recording is capable fo real time listening in on inmate telephone calls as they are occurring.
5. Mr. Pine further stated that investigative law enforcement officers are given access to calls on request, without warrant, court order, or a

showing of cause.

6. "Civilians: including defense lawyers are not permitted to access the calls without an approved subpoena or court order.

Signed Under The Pains And Penalties Of Perjury This 17th Day of March, 2005.

/S/

John H. LaChance, Esq.

CERTIFICATE OF SERVICE

I, John H. LaChance, Esq., do hereby certify that I have served a copy of the foregoing upon the government by delivering a copy of the same, to Assistant United States Attorney Susan Postwistillo, at the Office of the United States Attorney, United States District Court House, One Court House Way, Suite 9200, Boston, MA 02210 and to all other counsel of record by mail.

/S/

John H. LaChance